

RETURN DATE: NOVEMBER 2, 2004

STATE OF CONNECTICUT

v.

WILLIAM A. TOMASSO,  
TOMASSO BROTHERS CONSTRUCTION COMPANY, INC.,  
TOMASSO BROTHERS, INC.,  
TUNXIS MANAGEMENT COMPANY, INC.  
PETER N. ELLEF,  
PETER N. ELLEF II,  
LF DESIGN, LLC,  
LAWRENCE E. ALIBOZEK,  
KRISTINE D. RAGAGLIA,  
THEODORE R. ANSON, AND  
PATRICK J. DELAHUNTY, JR.

: SUPERIOR COURT  
:  
: JUDICIAL DISTRICT OF HARTFORD  
: AT HARTFORD  
:

: SEPTEMBER 27, 2004

## COMPLAINT

### FIRST COUNT

1. This is an action under the Connecticut Unfair Trade Practices Act (“CUTPA”), Conn. Gen. Stat. ch. 735a, to secure injunctive relief against the defendants’ violations of Conn. Gen. Stat. §42-110b(a), prohibiting unfair or deceptive acts and practices, to obtain appropriate equitable relief including such relief as is necessary to redress injury resulting from the defendants’ violations of CUTPA, for civil penalties, and for such other relief as is authorized by law.

### I. THE PARTIES

2. The plaintiff is the STATE OF CONNECTICUT, represented by RICHARD BLUMENTHAL, ATTORNEY GENERAL OF THE STATE OF CONNECTICUT, acting at the request of EDWIN R.

RODRIGUEZ, COMMISSIONER OF CONSUMER PROTECTION, pursuant to the Connecticut Unfair Trade Practices Act, and more particularly, Conn. Gen. Stat. §§ 42-110m(a) and 42-110o(b).

3. Defendant WILLIAM A. TOMASSO is a natural person residing in New Britain, Connecticut.

4. Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. is a corporation organized under the laws of the State of Connecticut with its principal place of business in New Britain, Connecticut. On April 30, 1999 Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. filed its Certificate of Incorporation with the Secretary of the State of the State of Connecticut. Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. was formerly known as TBI CONSTRUCTION COMPANY, INC. Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. is a wholly-owned subsidiary of defendant TOMASSO BROTHERS, INC.

5. During all times relevant to this complaint Defendant WILLIAM A. TOMASSO was President of Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC.

6. Defendant TOMASSO BROTHERS, INC. is a corporation organized under the laws of the State of Connecticut with its principal place of business in New Britain, Connecticut. Defendant TOMASSO BROTHERS, INC. was incorporated in Connecticut during all times relevant to this complaint.

7. During all times relevant to this complaint Defendant WILLIAM A. TOMASSO was an officer of Defendant TOMASSO BROTHERS, INC.

8. Defendant TUNXIS MANAGEMENT COMPANY, INC. is a corporation organized under the laws of the State of Connecticut with its principal place of business in New Britain, Connecticut.

Defendant TUNXIS MANAGEMENT COMPANY, INC. was incorporated in Connecticut during all times relevant to this complaint.

9. During all times relevant to this complaint Defendant WILLIAM A. TOMASSO was President of Defendant TUNXIS MANAGEMENT COMPANY, INC.

10. Defendant PETER N. ELLEF is a natural person residing in Avon, Connecticut. During the period including October 3, 1997 through March 31, 2002 he served as Co-Chief of Staff to the Governor of the State of Connecticut.

11. Defendant PETER N. ELLEF II is a natural person residing in Avon, Connecticut, He is the son of Defendant PETER N. ELLEF.

12. Defendant LF DESIGN, LLC is a limited liability company organized under the laws of the State of Connecticut with its principal place of business in New Britain, Connecticut. Defendant LF DESIGN, LLC was organized in Connecticut during all times relevant to this complaint.

13. During all times relevant to this complaint defendant PETER N. ELLEF II was President of Defendant LF DESIGN, LLC. During all times relevant to this complaint Defendant PETER N. ELLEF II had a 95% ownership interest in Defendant LF DESIGN, LLC while his mother (the wife of Defendant PETER N. ELLEF) had a 5% ownership interest.

14. Defendant LAWRENCE E. ALIBOZEK is a natural person residing in New Hartford, Connecticut. During the period including October 24, 1997 through July 16, 1999 he served as Deputy Chief of Staff to the Governor of the State of Connecticut.

15. Defendant KRISTINE D. RAGAGLIA is a natural person residing in Plainville, Connecticut. During the period including August 22, 1997 through February 28, 2003 she served as Commissioner of the Connecticut Department of Children and Families.

16. Defendant THEODORE R. ANSON is a natural person residing in Bridgewater, Connecticut. During the period including January 30, 1995 through September 30, 2003 he served as Commissioner of the Connecticut Department of Public Works.

17. Defendant PATRICK J. DELAHUNTY, JR. is a natural person residing in Southington, Connecticut. During the period including December 12, 1995 through November 5, 2003 he served as Chief Deputy Commissioner of the Connecticut Department of Public Works.

## **II. DEFENDANTS' COURSE OF CONDUCT**

18. Whenever reference is made in this complaint to any act, practice, or conduct of the defendants, such allegation shall be deemed to mean the act of each defendant acting individually and jointly, both through an agreement to act and through the providing of substantial assistance or encouragement to each other in accomplishing an unfair act or practice, which substantial assistance or encouragement was either given in breach of their own duty or was given with knowledge that the acts of other defendants were wrongful.

19. Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., during all times relevant to this complaint, engaged in the trade or commerce of commercial real estate development and property management in Connecticut and served in numerous capacities for the development of government public works projects and property management. Such goods and services were

provided within the State of Connecticut to numerous clients and customers, including the government of the STATE OF CONNECTICUT.

20. At all times relevant to this complaint Defendants PETER N. ELLEF II and LF DESIGN, LLC are and have been engaged in trade or commerce in Connecticut, as that term is defined in Conn. Gen. Stat. § 42-110a(4).

21. Defendants PETER N. ELLEF, LAWRENCE E. ALIBOZEK, KRISTINE D. RAGAGLIA, THEODORE R. ANSON, and PATRICK J. DELAHUNTY, JR., during all times relevant to this complaint, were officials of the government of the STATE OF CONNECTICUT. They each acted unlawfully and outside of the proper bounds of their authority as public officials, in the manner pleaded in this complaint, in concert with and by giving substantial assistance or encouragement to the defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., in an effort to secure an unfair advantage for the defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., in the process of competing to be the developer for and to secure the contract for the following public works and property management projects:

- (1) for the development and construction of the Connecticut Juvenile Training School in Middletown, Connecticut;
- (2) for the development of a juvenile training school for girls;
- (3) numerous other public works, property management and/or economic development projects for the State of Connecticut and/or various quasi-public agencies.

### **III. PUBLIC POLICY ASSOCIATED WITH PUBLIC WORKS PROJECTS.**

22. The development and construction of public works projects for the government of the State of Connecticut as well as contracting for property management services is governed by numerous statutes, including, but not limited to, the following: Conn. Gen. Stat. §4b-24; Conn. Gen. Stat. §4b-27; Conn. Gen. Stat. §§4b-55 — 4b-59; and Conn. Gen. Stat. §4b-91.

23. The provisions of Conn. Gen. Stat. §4b-24 assign to the Connecticut Department of Public Works the general responsibility to oversee the needs of the “various departments and agencies of state government” with respect to real estate, including the choice of the method of acquisition “which shall be pursued in the open competitive market....” These provisions were applicable during all times relevant to this Complaint.

24. The provisions of Conn. Gen. Stat. §4b-27 bar any person affiliated with any requesting agency from discussing outside of that agency the agency’s real estate needs or interests prior to formal notification of the Commissioner of Public Works, “and in no event without the authorization and supervision of the Commissioner of Public Works, which authorization shall be filed with the [State Properties] review board; nor shall anyone with knowledge of said needs gained as a result of his employment by the state disclose any information regarding state real estate needs to anyone except as authorized by the [Commissioner of Public Works.]” These provisions were applicable during all times relevant to this Complaint.

25. The provisions of Conn. Gen. Stat. §§4b-55 — 4b-59 govern selection of consultants, including construction administrators, for public work projects. The provisions of Conn. Gen.

Stat. §§4b-55 — 4b-59 were applicable to the Connecticut Juvenile Training School project beginning on the May 7, 1999 effective date of the relevant portions of 1999 Conn. Public Acts #99-26.

26. The provisions of Conn. Gen. Stat. §4b-91 govern bidding for public building contracts. These provisions were applicable to the Connecticut Juvenile Training School project until the May 7, 1999 effective date of the relevant portions of 1999 Conn. Public Acts #99-26.

27. Embodied in Conn. Gen. Stat. §§4b-55 — 4b-59; 4b-91 are the following public policies:

- (1) The public policy against defeating the object and integrity of the process of competing for public works projects by fraud, corruption, and favoritism;
- (2) The public policy against applying requirements for public works projects in an inconsistent or discriminatory fashion;
- (3) The public policy prohibiting persons and/or entities seeking to build public works projects from acting in bad faith;
- (4) The public policy that all persons seeking to build public works projects should operate on a level playing field with all such parties having equal access to information needed to compete for such projects; and
- (5) The public policy that goods and services to be procured for public works projects be described in a fashion that does not give one competitor for the project an advantage over other competitors for the project.

#### **IV. (A) BACKGROUND FOR CONNECTICUT JUVENILE TRAINING SCHOOL PROJECT.**

28. Following the tragic death on September 26, 1998 of a child at the Long Lane School, a facility for adjudicated delinquent youth operated by the Connecticut Department of Children and Families, and in recognition of severe overcrowding at Long Lane School, the STATE OF CONNECTICUT began steps to construct a new facility within Connecticut for adjudicated delinquent youth.

29. The efforts referred to in paragraph 28 culminated in a proposed public works project for the Connecticut Juvenile Training School (hereinafter “CJTS”) in Middletown, Connecticut, a facility that ultimately cost \$57 million in capital expenditures by the STATE OF CONNECTICUT.

**(B) PLANNING FOR THE CONNECTICUT JUVENILE  
TRAINING SCHOOL.**

30. Between September 1998 and November 1998, planning for the CJTS involved numerous Connecticut state agencies, including the Department of Children and Families and the Department of Public Works. During this time, an existing facility in Marion, Ohio was identified by the Department of Children and Families as the facility to use as a model for the Connecticut facility.

31. Officials of the STATE OF CONNECTICUT, including representatives of the Department of Public Works and the Department of Children and Families, visited the Marion, Ohio facility between November 17, 1998 and November 19, 1998.

32. There was another visit to the Marion, Ohio facility later in November 1998 which included defendants WILLIAM A. TOMASSO, PETER N. ELLEF, LAWRENCE E. ALIBOZEK and KRISTINE D. RAGAGLIA.

33. On information and belief, during the November 1998 trip to Marion, Ohio by defendants WILLIAM A. TOMASSO, PETER N. ELLEF, LAWRENCE E. ALIBOZEK and KRISTINE D. RAGAGLIA all of said defendants visited the Marion, Ohio facility and discussed with each other the STATE OF CONNECTICUT’S needs.



34. On information and belief, during the period from November 1998 through January 25, 1999 no other potential competitor for the CJTS project was informed that the Marion, Ohio facility was to be the model for the CJTS, nor was any other potential competitor allowed to tour the facility with defendants PETER N. ELLEF, LAWRENCE E. ALIBOZEK and KRISTINE D. RAGAGLIA and to discuss the project with them.

35. On December 10, 1998 the Department of Public Works authorized the release of an advertisement for the Request for Qualifications for the Connecticut Juvenile Training School project. The advertisement was published on December 16, 1998. The advertisement did not mention the Marion, Ohio facility in any way. The Department of Public Works utilized Kendal L. Ball, the project manager for construction of the Marion, Ohio facility, as a paid consultant in framing the Request for Qualifications. This advertisement was authorized by Defendant PATRICK J. DELAHUNTY, JR., in the absence of Defendant THEODORE R. ANSON. Defendant THEODORE R. ANSON signed the Request for Qualification itself.

36. On information and belief, Defendants THEODORE R. ANSON and PATRICK J. DELAHUNTY, JR. had actual knowledge that Kendal L. Ball was utilized as a paid consultant by the Department of Public Works in framing the Request for Qualifications.

37. On December 29, 1998 the Department of Public Works received responses from 8 entities interested in competing for the project.

38. On January 4, 1999 an evaluation committee within the Department of Public Works, chaired by Defendant PATRICK J. DELAHUNTY, JR., reviewed all 8 interested entities. All of the entities competing disclosed general experience and approaches to large projects.

39. In its statement of qualifications, Defendant TOMASSO BROTHERS, INC. disclosed having an “excellent start to design” for the CJTS due to the knowledge it gained while visiting the Marion, Ohio facility. In addition, Defendant TOMASSO BROTHERS, INC. disclosed having as part of its team the architect (KZF, Incorporated) for the Marion, Ohio facility as well as Kendal L. Ball, the project manager for construction of the Marion, Ohio facility. Defendant TOMASSO BROTHERS, INC. did not disclose having visited the Marion, Ohio facility with defendants PETER N. ELLEF, LAWRENCE E. ALIBOZEK and KRISTINE D. RAGAGLIA.

40. In December 1998, none of the other entities competing for this project had any knowledge that the Marion, Ohio facility was being used as the model for the new Connecticut facility. Without this knowledge, none of the other entities competing for this project had any reason to seek arrangements with the architect and/or project manager for the Marion, Ohio facility to assist them in developing this project. Nor did any of the other entities competing for this project include a person utilized as a paid consultant by the Department of Public Works on their team.

41. On January 5, 1999 notice was sent by the Department of Public Works to 3 entities regarding their selection to compete for the Connecticut Juvenile Training School project by submitting Request for Proposals. These 3 entities included Defendant TOMASSO BROTHERS, INC. These notices were signed by Defendant PATRICK J. DELAHUNTY, JR.

42. Notice was sent by the Department of Public Works on January 25, 1999 to those 3 entities terminating the project, without stating any reasons, in such letter. These notices were signed by Defendant THEODORE R. ANSON.

43. On information and belief, at some point after the completed Requests for Qualification were received by the Department of Public Works and prior to the Connecticut Juvenile Training School project being terminated, Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., and/or TOMASSO BROTHERS, INC. requested Defendant PETER N. ELLEF to remove the S/L/A/M Collaborative, an architectural firm assisting the Department of Public Works, from any involvement in the Connecticut Juvenile Training School project. Defendant PETER N. ELLEF directed that this firm be removed from further involvement in this project. During this general time period Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., and/or TOMASSO BROTHERS, INC. requested Defendant PETER N. ELLEF facilitate the termination of Bruce Bockstael, an employee of the Department of Public Works who had raised concerns within the Department of Public Works about Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., and/or TOMASSO BROTHERS, INC. Defendant PETER N. ELLEF directed that Defendant THEODORE R. ANSON terminate Bockstael from employment. Defendant THEODORE R. ANSON followed up by ordering personnel within the Department of Public Works to terminate Bockstael. This termination did not in fact take place, as personnel within the Department of Public Works had further discussion with Defendant THEODORE R. ANSON and convinced him not to proceed.

44. On March 26, 1999 the Department of Public Works created another list of 7 entities invited to compete for the Connecticut Juvenile Training School project. This list included "Tomasso Brothers."

45. The Request for Proposals was developed by the Department of Public Works with the assistance of KZF, Incorporated (the architect for the Marion, Ohio facility) and Kendal L. Ball (the project manager for the Marion, Ohio facility), each of whom had previously been included in the proposed TOMASSO BROTHERS, INC. team on the earlier Request for Qualifications for the CJTS project.

46. The Department of Public Works created a selection panel to determine which of the 7 selected entities should be invited to negotiate for the project. The Department of Children and Families representative on the selection panel was defendant KRISTINE D. RAGAGLIA, then Commissioner of the Department of Children and Families.

47. The list of 7 entities selected to compete for the project was later narrowed to 5 entities.

48. The selection panel interviewed certain of the 5 selected entities on April 23, 1999.

49. Following the interviews, on April 23, 1999 the selection panel recommended that TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., and/or TOMASSO BROTHERS, INC. be selected for the project.

50. The ballots utilized by the selection panel identify one of the entities interviewed as “Tomasso Brothers” while the April 23, 1999 summary of the selection panel’s action identifies the corresponding entity interviewed and recommended for selection as “Tomasso Brothers Construction, Inc. of New Britain, CT,” notwithstanding the fact that the Certificate of Incorporation for Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. was not filed with the Secretary of the State for the State of Connecticut until April 30, 1999.

51. The selection of Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., and/or TOMASSO BROTHERS, INC. was approved by the Defendant THEODORE R. ANSON as Commissioner of Public Works on May 7, 1999. Confirmation was sent to Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., and/or TOMASSO BROTHERS, INC. on May 10, 1999. The Department of Public Works notified the State Properties Review Board of this selection on May 11, 1999.

52. Thereafter, the STATE OF CONNECTICUT contracted with Defendant TOMASSO BROTHERS, INC. to construct the Connecticut Juvenile Training School and the project was in fact constructed.

**V. (A) BACKGROUND FOR JUVENILE TRAINING  
SCHOOL FOR GIRLS PROJECT.**

53. Following the tragic death on September 26, 1998 of a child at the Long Lane School, a facility for adjudicated delinquent youth operated by the Connecticut Department of Children and Families, and in recognition of severe overcrowding at Long Lane School, the STATE OF CONNECTICUT began steps to construct a new facility within Connecticut for adjudicated delinquent female youth.

54. The efforts referred to in paragraph 53 culminated in a proposed public works project for the a juvenile training school for girls the State of Connecticut, a project that was ultimately cancelled.

**(B) PLANNING FOR THE GIRLS JUVENILE TRAINING  
SCHOOL.**

55. During 2000 and 2001, planning for the girls juvenile training school involved numerous Connecticut state agencies, including the Department of Children and Families and the Department of Public Works.

56. On or about February 7, 2001 the Department of Public Works authorized the release of an advertisement for the Request for Proposals for the Connecticut Juvenile Training School project. The Department of Public Works consulted with Kendal L. Ball, the project manager for construction of the Marion, Ohio facility, in framing the Request for Proposals. The Department of Public Works also utilized Children's Comprehensive Services, Inc. and Linda Albrecht as paid consultants in connection with framing the Request for Proposals.

57. On information and belief, Defendants THEODORE R. ANSON and PATRICK J. DELAHUNTY, JR. had actual knowledge that Kendal L. Ball, Children's Comprehensive Services, Inc. and Linda Albrecht were utilized by the Department of Public Works in framing the Request for Proposals. Children's Comprehensive Services, Inc. and Linda Albrecht were paid for these services.

58. Bruce Bockstael, an employee of the Department of Public Works, raised concerns about the selection process for this project and removed himself from the Department of Public Works selection team.

59. On March 15, 2001 the Department of Public Works received responses from 5 entities interested in competing for the project.

60. On April 4, 2001 an evaluation committee within the Department of Public Works, chaired by Defendant PATRICK J. DELAHUNTY, JR., reviewed all 5 interested entities. All of the entities competing disclosed general experience and approaches to large projects.

61. In its statement of qualifications, Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. disclosed having as part of its team Kendal L. Ball and Linda Albrecht, each of whom had previously been utilized by the Department of Public Works in framing the Request for Proposals. Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. did not disclose that these individuals were previously utilized by the Department of Public Works, and in some instances paid for these services.

62. In April 2001, none of the other entities competing for this project included a person utilized as a consultant by the Department of Public Works on its team.

63. The Department of Public Works created a selection panel to determine which of the 5 selected entities should be invited to negotiate for the project. The Department of Children and Families representative on the selection panel was Stacy Gerber, then Deputy Commissioner of the Department of Children and Families.

64. The selection panel created a “short list” of 3 entities to compete for the project which included defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC.

65. The selection panel interviewed the 3 entities on the “short list,” including Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. on May 2, 2001.

66. Following the interviews, on May 2, 2001 the selection panel recommended that TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. be selected for the project.

67. The selection of Defendant TOMASSO BROTHERS CONSTRUCTION COMPANY, INC. was approved by the Defendant THEODORE R. ANSON as Commissioner of Public Works on May 3, 2001.

68. Ultimately this project was never built.

## **VI. OTHER PROJECTS**

69. During the time period including October 1997 through at least October 2003 WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC. were awarded numerous other public works, property management and/or economic development projects for the State of Connecticut and/or various quasi-public agencies.

70. Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC. were awarded such contracts in whole or in part through the action and/or direction of Defendants PETER N. ELLEF and/or LAWRENCE E. ALIBOZEK.

## **VII. BENEFITS TO PUBLIC OFFICIALS**

71. On information and belief, Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., provided cash, valuable items, goods and/or services to the present and/or former Connecticut state officials as follows:

(1) Defendant PETER N. ELLEF accepted cash, gold, meals, lodging, limousine rides, vacations and other things of value with the intent to be influenced and rewarded for taking favorable action in connection with business with the State of Connecticut, including business with the Department of Public Works, and



business with quasi-public agencies. A significant portion of the benefits to Defendant PETER N. ELLEF was provided through Defendant PETER N. ELLEF II and Defendant LF DESIGN, LLC.

(2) Defendant LAWRENCE E. ALIBOZEK accepted cash, gold and other things of value with the intent to be influenced and rewarded for taking favorable action in connection with business with the State of Connecticut, including business with the Department of Public Works, and business with quasi-public agencies.

(3) On information and belief, Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., and TOMASSO BROTHERS, INC. provided other benefits to present and/or former Connecticut state officials with the intent that they be influenced and rewarded for taking favorable action in connection with business with the State of Connecticut, including business with the Department of Public Works, and business with quasi-public agencies.

72. On information and belief, other persons and/or entities associated with the Connecticut Juvenile Training School public works project provided cash, valuable items, goods and/or services to present and/or former Connecticut state officials as follows:

(1) On one or more occasions prior to June 16, 2000 personnel at Kaestle Boos Associates, Inc. architects (an architectural firm that worked in connection with the Connecticut Juvenile Training School project), including, but not limited to, personnel with the initials “PFD” and “JC,” provided architectural drawings free of charge to or on behalf of defendant THEODORE R. ANSON in connection with an addition to his personal residence in Bridgewater, Connecticut.

73. Such benefits are in clear violation of Conn. Gen. Stat. §1-84, which is the portion of the Code of Ethics for Public Officials that sets forth prohibited activities.

### **VIII. DEFENDANTS’ VIOLATIONS OF CUTPA.**

74. The acts, practices, and course of wrongful conduct by WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., acting (i) individually, (ii) jointly, as part of a conspiracy among defendants, (iii) jointly, through their aiding and abetting of each other and PETER N. ELLEF, LAWRENCE E. ALIBOZEK, KRISTINE D. RAGAGLIA, THEODORE R. ANSON and/or PATRICK J.

DELAHUNTY, JR., and (iv) jointly, through their receipt of aid from PETER N. ELLEF, LAWRENCE E. ALIBOZEK, KRISTINE D. RAGAGLIA, THEODORE R. ANSON and/or PATRICK J. DELAHUNTY, JR., as alleged above, violated several public policies of the State of Connecticut, including the following:

- (a) The public policy against discussing the real estate needs of the State of Connecticut in the absence of the authorization required by law, as embodied in Conn. Gen. Stat. §4b-27;
- (b) The public policy against defeating the object and integrity of the process of competing for public works projects by fraud, corruption, and favoritism;
- (c) The public policy against applying requirements for public works projects in an inconsistent or discriminatory fashion;
- (d) The public policy prohibiting persons and/or entities seeking to build public works projects from acting in bad faith;
- (e) The public policy that all persons seeking to build public works projects should operate on a level playing field with all such parties having equal access to information needed to compete for such projects; and
- (f) The public policy that goods and services to be procured for public works projects be described in a fashion that does not give one competitor for the project an advantage over other competitors for the project.

75. The acts, practices, and course of wrongful conduct by Defendants PETER N. ELLEF, LAWRENCE E. ALIBOZEK, KRISTINE D. RAGAGLIA, THEODORE R. ANSON and PATRICK J. DELAHUNTY, JR., acting (i) individually, (ii) jointly, as part of a conspiracy among defendants, and (iii) jointly, through their aiding and abetting of WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., as alleged above, violated several public policies of the State of Connecticut, including the following:

- (a) The public policy against discussing the real estate needs of the State of Connecticut in the absence of the authorization required by law, as embodied in Conn. Gen. Stat. §4b-27;
- (b) The public policy against defeating the object and integrity of the process of competing for public works projects by fraud, corruption, and favoritism;
- (c) The public policy against applying requirements for public works projects in an inconsistent or discriminatory fashion;
- (d) The public policy prohibiting persons and/or entities seeking to build public works projects from acting in bad faith;
- (e) The public policy that all persons seeking to build public works projects should operate on a level playing field with all such parties having equal access to information needed to compete for such projects; and
- (f) The public policy that goods and services to be procured for public works projects be described in a fashion that does not give one competitor for the project an advantage over other competitors for the project.

76. The acts, practices, and course of wrongful conduct by Defendants WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., acting (i) individually, (ii) jointly, as part of a conspiracy among defendants, (iii) jointly, through their aiding and abetting of each other and PETER N. ELLEF, PETER N. ELLEF II, LF DESIGN, LLC and/or LAWRENCE E. ALIBOZEK, and (iv) jointly, through their receipt of aid from PETER N. ELLEF, PETER N. ELLEF II, LF DESIGN, LLC and/or LAWRENCE E. ALIBOZEK, as alleged above, violated several public policies of the State of Connecticut, including the following:

- (a) The public policy against paying or receiving bribes, as embodied in Conn. Gen. Stat. §§53a-147 and 53a-148;
- (b) The public policy against engaging in racketeering or being a part of a racketeering conspiracy, as embodied in 18 U.S.C. §1962(c) and 18 U.S.C. §1962(d);

(c) The public policy against using the mail and/or wire to commit fraudulent activity, including depriving another of the right of honest services, as embodied in 18 U.S.C. §1341, 18 U.S.C. §1343 and 18 U.S.C. §1346.

77. The acts, practices, and course of wrongful conduct by Defendants PETER N. ELLEF, PETER N. ELLEF II, LF DESIGN, LLC and/or LAWRENCE E. ALIBOZEK, acting (i) individually, (ii) jointly, as part of a conspiracy among defendants, and (iii) jointly, through their aiding and abetting of WILLIAM A. TOMASSO, TOMASSO BROTHERS CONSTRUCTION COMPANY, INC., TOMASSO BROTHERS, INC. and TUNXIS MANAGEMENT COMPANY, INC., as alleged above, violated several public policies of the State of Connecticut, including the following:

(a) The public policy against paying or receiving bribes, as embodied in Conn. Gen. Stat. §§53a-147 and 53a-148;

(b) The public policy against engaging in racketeering or being a part of a racketeering conspiracy, as embodied in 18 U.S.C. §1962(c) and 18 U.S.C. §1962(d);

(c) The public policy against using the mail and/or wire to commit fraudulent activity, including depriving another of the right of honest services, as embodied in 18 U.S.C. §1341, 18 U.S.C. §1343 and 18 U.S.C. §1346.

78. Defendants' course of wrongful conduct was immoral, unethical, oppressive, unscrupulous and caused substantial injury.

79. The defendants' acts and practices, as alleged herein, constitute unfair acts or practices in violation of Conn. Gen. Stat. §42-110b(a).

## **SECOND COUNT**

1. – 79. Paragraphs 1 through 79 of the First Count are hereby made paragraphs 1 through 79 of the Second Count as if fully set forth.

80. Defendants willfully engaged in the acts or practices alleged herein when they knew or should have known that their conduct was unfair in violation of Conn. Gen. Stat. §42-110b(a).

### **DEMAND FOR RELIEF**

WHEREFORE, pursuant to Conn. Gen. Stat. §§42-110m and 42-110o, the STATE OF CONNECTICUT requests the following relief:

1. A finding that each of the defendants has engaged in unfair or deceptive acts or practices in the course of trade or commerce which constitute violations of the Connecticut Unfair Trade Practices Act;
2. An order preliminarily and permanently enjoining each of the defendants from the use of acts or practices that violate the Connecticut Unfair Trade Practices Act, including, but not limited to, the unlawful acts and practices pleaded in this Complaint;
3. An order preliminarily and permanently enjoining each of the defendants to take whatever actions are necessary to abate the use of acts or practices that violate the Connecticut Unfair Trade Practices Act, including, but not limited to, the unlawful acts and practices pleaded in this Complaint;
4. An order requiring each of the defendants to pay restitution for any loss resulting from the acts or practices that violate the Connecticut Unfair Trade Practices Act, as alleged herein;
5. An order requiring each of the defendants to submit to an accounting;

6. An order requiring each of the defendants to pay a civil penalty in an amount not to exceed \$5000 per violation for each willful violation of the Connecticut Unfair Trade Practices Act;

7. An order requiring each of the defendants to pay the costs for the investigation and prosecution of this action, including reasonable attorneys' fees; and

8. Such other relief as is just and equitable to effectuate the purposes of this action.

Dated at Hartford, Connecticut, this 27<sup>th</sup> day of September, 2004.

**PLAINTIFF**  
**STATE OF CONNECTICUT**

BY: RICHARD BLUMENTHAL  
ATTORNEY GENERAL

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